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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,501	12/23/1999	FRANCIS BIOLLEY	612.37981X00	7486

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EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/471,501	BOILLEY, FRANCIS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alexandra K Pechhold	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 17 March 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) \_\_\_\_\_ is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 13-16 is/are allowed.

6) Claim(s) 6,7,9,11,12 and 17-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 7, 9, 11, 12, 17, 19, and 20 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Remery (US 4,279,543).**

Regarding claims 9, 17, and 20, Remery discloses a flexible riser part seen as flexible tube (6), connected to a point below the surface, and a rigid riser part seen as pipe (3) connected to the flexible riser part and to the floating support as shown in Fig.

1. Pipe (3) appears to have a length equal to half the water depth. Remery disclose a catenary anchor system, seen as weight (4) in Fig. 1 next to universal joint (5), or a connector, which can be viewed as weight (4) or universal joint (5) between the flexible riser part and the rigid riser part. Remery fails to disclose pipe (3) connected to a source of fluid to be injected and tube (6) connected to a point where the fluid is injected, instead disclosing that the device conveys a medium from a fixed position on the bottom below the water surface to an anchored buoy floating on the water (Col 1, lines 7-10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the direction of medium flow in Remery to be from the buoy at the water surface to the fixed position on the bottom, since if it were desired to

direct a medium to the bottom of the sea, it would be flow in this direction, and furthermore pipes are known to operate in both directions.

Regarding claim 11, Remery discloses the limitations of the claimed invention as discussed in claim 9 above. Remery fails to disclose the transfer of fluid between a floating support and a point below the water surface, instead disclosing that the device conveys a medium from a fixed position on the bottom below the water surface to an anchored buoy floating on the water (Col 1, lines 7-10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the direction of medium flow in Remery to be from the buoy at the water surface to the fixed position on the bottom, since if it were desired to direct a medium to the bottom of the sea, it would be flow in this direction, and furthermore pipes are known to operate in both directions.

Regarding claim 12, the buoyant body (8) of Remery provides additional tension in the tube (6).

Regarding claims 7 and 19, a holding means in Remery can be viewed as joint (2) fastened to the buoy (1), since the pipe is fastened to the buoy with the joint and hangs downwardly from the buoy in the water (see abstract).

**3. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remery (US 4,279,543) as applied to claims 11 and 17 above, and further in view of Willis (EPO 0467635 A2).** Remery discloses the limitations of the claimed invention except for heat insulation means placed on at least the rigid part and/or flexible part. Willis teaches thermally insulating compositions and a method of

insulating pipeline bundles and pipeline riser caissons. Willis states that it is necessary to insulate pipelines in order to prevent the temperature of the fluid traveling through the pipeline from significantly dropping, and that it is known to apply an inner or outer insulating layer to pipelines (page 2, lines 4-23). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the rigid or flexible part of Remery to have heat insulation means as taught by Willis, since Willis states on page 2, lines 4-23 that it is necessary to insulate pipelines in order to prevent the temperature of the fluid traveling through the pipeline from significantly dropping, and that it is known to apply an inner or outer insulating layer to pipelines.

***Allowable Subject Matter***

4. Claims 13-16 are allowed.

***Response to Arguments***

5. Applicant's arguments filed 3/17/03 have been fully considered but they are not persuasive. Applicant states that Remery does not teach or suggest that the lower end of the pipe is anchored by a catenary anchor system, but does not address the fact that the Examiner viewed the weight (4) of Remery as an anchor system in claim 11. Applicant now amended claim 9 to also recite a catenary anchor system, and likewise the Examiner uses the weight (4) of Remery to disclose this limitation.

***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



Thomas B. Will  
Supervisory Patent Examiner  
Group 3600